



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

June 14, 2010

The Honorable Terry Goddard  
Arizona Attorney General  
1275 W. Washington Street  
Phoenix, Arizona 85007

Dear Attorney General Goddard:

Despite your opposition to Senate Bill 1070, I was surprised to learn that you filed a motion to intervene on behalf of the State of Arizona on May 30, 2010, in the *Friendly House v. Whiting* case in federal district court.

Your repeated comments in opposition to the law leave me and the citizens of Arizona with serious doubt as to your ability to defend the State in these legal challenges. I have attached a summary of your recent statement to the media expressing your opposition to SB 1070 and inability to defend the law. As you have stated in the past, conflicts of interest matter.

In addition, your decision to file this motion without my approval amounts to an unconstitutional usurpation of my authority and a violation of state law as set forth in Section 8 of House Bill 2162. This law provides that you must act at my direction in any challenge to SB 1070. It also allows me to appoint counsel other than the Attorney General to defend SB 1070. My counsel filed a lawful motion to intervene on my behalf as Governor to defend the State of Arizona in the *Friendly House* case on June 1, 2010.

Therefore, I respectfully request that you step aside so my legal team can set forth the best defense possible in the immigration lawsuits currently before the federal district court. If you do not withdraw your motion to intervene in *Friendly House*, I will pursue all legal remedies available to me to have you removed as counsel for the State of Arizona to ensure the State a true and proper defense.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer".

Janice K. Brewer  
Governor

JKB/jk  
Enclosure

While the legislation was pending, the Attorney General Goddard referred to SB 1070 as “troubling” and expressed his opinion that “it may have civil rights implications”. *Only Joe Knows*, Nat’l J.: The Hotline, April 19, 2010. In an interview with the New York Times, the Attorney General referred to SB 1070 as a “tragic mistake”. John Schwartz & Randal C. Archibold, *News Analysis – A Law Facing a Tough Road Through the Courts*, N.Y. Times, April 27, 2010, at A17. A month later, the Attorney General reiterated his opposition again, saying “he, personally, still opposes Arizona’s immigration law . . . .” Jonathan Clark, *Despite personal opposition, Goddard set to defend SB 1070*, Nogales Int., May 21, 2010. The Attorney General even said he would have vetoed SB 1070 had he been Governor. Mary K. Reinhart, *Goddard fights to defend immigration law he opposes*, Ariz. Guardian, June 6, 2010.

Not surprisingly, the Attorney General conceded that his opposition to SB 1070 would preclude him from defending the bill in court. On April 22, 2010, in referring to a potential lawsuit, the Attorney General said, “I will be screened because of my personal opposition to it,” and that he would abstain from all involvement and delegate his authority to other attorneys in his office. *News Notes and Gossip*, Arizona Capitol Reports: Yellow Sheet Report, April 22, 2010. The following week Deputy Attorney General Greg Stanton stated, “[Attorney General Goddard] will likely not be involved in the litigation because of his position in opposition to the bill.” Alia Beard Rau & Ginger Rough, *3 lawsuits challenge legality of new law*, Ariz. Republic, April 30, 2010, at B1.

On May 27, 2010, the Attorney General said that he and the Governor “might have divergent opinions about how to best enter a defense” in the lawsuits challenging SB 1070, when explaining why he would not appear on behalf of the Governor in *Frisancho v. Brewer, et al.*, No. CV10-00926-PHX-SRB, a separate challenge to SB 1070 in this court, in which the Governor and Attorney General are named as the only defendants. Howard Fischer, *Governor creates legal defense fund for SB 1070*, Verde Independent, May 27, 2010. According to the *New York Times*, the Attorney General also said “he would probably recuse himself, and enlist [University of Missouri Kansas City Law Professor Kris Kobach] for the defense.” *Id.*